

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4468

By Delegates Coop-Gonzalez, Akers, Parsons, and

McGeehan

[Originating in the Committee on the Judiciary;

Reported on February 4, 2026.]

1 A BILL to amend and reenact §61-8B-19 of the Code of West Virginia, 1931, as amended, relating
2 to confidentiality of court files and law-enforcement records; requiring the name and
3 address of victims in criminal complaints of listed crimes is confidential; requiring
4 redactions for disclosed criminal complaints; providing for waiver of confidentiality;
5 providing exceptions for disclosures to certain governmental entities subject to the same
6 confidentiality provisions; repealing provisions relating to court orders and subpoenas; and
7 amending certain internal effective dates.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-19. Court files and law-enforcement records; confidentiality.

1 ~~(a) Records confidential.— All records and information maintained by the courts of this~~
2 ~~state or any law enforcement agency of this state or any of its political subdivisions, which contain~~
3 ~~identifying information. The name and address of a victim in an arrest, investigation, or a criminal~~
4 ~~complaint maintained by the courts of this state or any law-enforcement agency of this state or any~~
5 ~~of its political subdivisions for the offenses enumerated in §61-8A-1 et seq., §61-8B-1 et seq., §61-~~
6 ~~8C-1 et seq., or §61-14-1 et seq. of this code, or for the offenses included in §61-8D-3a, §61-8D-5,~~
7 ~~and §61-8DB-6 of this code, shall be kept is confidential and withheld from inspection, except: (1)~~
8 ~~When required by law; (2) when necessary for law enforcement purposes or preparation for court~~
9 ~~proceedings; or (3) pursuant to an order of a court issued in accordance with subsection (c) of this~~
10 ~~section. If records of a complaint for the aforementioned offenses are furnished by a clerk of court~~
11 ~~or any law-enforcement agency of this state or any of its political subdivisions to any person, the~~
12 ~~clerk of court or law-enforcement agency shall ensure that such written complaint is redacted of~~
13 ~~the name and address of the victim as set forth in this subsection. Confidentiality may be waived in~~
14 ~~writing by the alleged victim. Such information may be disclosed to another governmental entity in~~
15 ~~the furtherance of its official duties and responsibilities: *Provided, That the receiving governmental*~~
16 ~~entity shall be subject to the same confidentiality provisions of this section.~~

17 ~~(b) Orders permitting examination or copying of file contents.~~— Upon written motion filed in
18 the circuit court of the county where the criminal action is pending or has been prosecuted, a circuit
19 court, for good cause shown, may enter an order allowing a person who is precluded access to a
20 court file or law enforcement record pursuant to subsection (a) of this section the authority to
21 examine and copy documents in a file. The order shall set forth specific findings which
22 demonstrate why the interests of justice necessitate the examination, specify the particular
23 documents to be examined or copied, or both examined and copied and the circumstances under
24 which such action or actions shall take place.

25 ~~(c) Obtaining confidential records.~~— Absent a waiver of confidentiality by the subject of the
26 confidential records, the records are only subject to subpoena pursuant to subsection (d) of this
27 section.

28 ~~(d) Subpoena Duces Tecum.~~— Any court file or law enforcement record in the offenses
29 included in subsection (a) of this section may be supplied to any person presenting a valid
30 subpoena duces tecum issued by a state or federal court in any criminal action. Any file or record
31 obtained under this subsection shall be used only in the context of the case in which the subpoena
32 was issued and not for any other purpose.

33 ~~(e)~~(b) *Victim request.*— Upon a written request of a victim, decisions of the West Virginia
34 Intermediate Court of Appeals and the West Virginia Supreme Court of Appeals issued on or after
35 July 1, 2022 2026, involving the offenses enumerated in subsection (a) of this section shall not
36 contain the first and last names or address of the victim.

37 ~~(f)~~(c) *Supreme Court authorization.*— The Supreme Court of Appeals is requested to
38 promulgate rules prior to July 1, 2022 2026, to the extent necessary to comply with the provisions
39 of this article that become effective on that date.